

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re:	)	Case No. 13-17971
	)	
Roger L. Davis, Sr.,	)	Judge Arthur I. Harris
	)	
Debtor.	)	Chapter 7 Case

**MOTION OF TRUSTEE FOR ORDER DIRECTING DEBTOR  
TO TURN OVER PROPERTY OF THE ESTATE**

David O. Simon, trustee in this case, respectfully moves the Court for the entry of an Order directing the debtor to turn over property of the estate and, in support of this motion, states as follows:

1. This case was commenced by the filing of a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on November 12, 2013.

2. At the time of the commencement of this bankruptcy case the debtor was entitled to receive income tax refunds from the Internal Revenue Service in the amount of \$3,377.34 and from the State of Ohio in an unknown amount. In addition, the debtor had funds on deposit in a Health Savings Account in the amount of \$686.89.

3. The non-exempt portion of the debtor's income tax refunds and Health Savings Account balance is the amount of \$2,494.23 + 87% of any refund received from the State of Ohio, which is property of this estate pursuant to the provisions of §541 of the Bankruptcy Code and is subject to turnover pursuant to the provisions of §542 of the Bankruptcy Code.

WHEREFORE, the trustee prays that this motion be granted and that the debtor be directed to turn over to the trustee the sum of \$2,494.23 + 87% of any refund received from the State of Ohio representing his non-exempt 2013 income tax refunds and funds on deposit in his Health Savings Account.

/s/ David O. Simon

David O. Simon, Trustee  
1370 Ontario Street, Suite 450  
Cleveland, OH 44113-1744  
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[david@simonlpa.com](mailto:david@simonlpa.com)

#### **CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a copy of the foregoing Motion of Trustee for Order Directing Debtor to Turn Over Property of the Estate was electronically served upon Sheronda Dobson, Esq., attorney for debtor, at [sdobsonattorneyatlaw@yahoo.com](mailto:sdobsonattorneyatlaw@yahoo.com) and was sent by regular U.S. Mail this 19<sup>th</sup> day of March, 2014, to:

Roger L. Davis Sr.  
12817 Lenacrave Ave., down  
Cleveland, OH 44105

/s/ David O. Simon

David O. Simon